

BOBBY JINDAL
1ST DISTRICT, LOUISIANA

COMMITTEE ON HOMELAND SECURITY

COMMITTEE ON EDUCATION
AND THE WORKFORCE

COMMITTEE ON RESOURCES

109TH CONGRESS
FRESHMAN CLASS PRESIDENT

ASSISTANT MAJORITY WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-1801

March 9, 2005

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FAX: (985) 893-8707

Mr. Charles L. Engebretsen
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3426 ARN
Washington, DC 20460

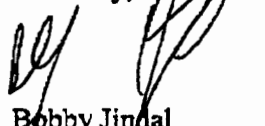
Dear Mr. Engebretsen:

My constituent, Mr. Glen Uhack, has contacted my office regarding hazardous waste in his neighborhood leftover from the EPA Superfund Bayou Bonfouca clean-up site in Slidell, Louisiana. According to city officials, EPA was notified after completion of this project that creosote remains in this area. They were told that the City of Slidell would be responsible for any further clean-up near this site. Because of the hazardous condition of this waste and the high cost involved in its removal, the city has been unable to address this problem.

I would appreciate you investigating this matter and offering any information that may help to resolve this situation. Please send your reply in care of Erin Bendily in my Mandeville district office at 21454 Koop Drive, Suite 1-E, Mandeville, LA 70471.

Thank you for your interest and cooperation in this matter. I look forward to hearing from you.

Sincerely,


Bobby Jindal
Member of Congress

BJ:eb
57918197

Enclosure

CC Y
Charles
John
Erin
Jin W
Jolly



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

APR 1 2005

The Honorable Bobby Jindal
Member, United States House
of Representatives
21454 Koop Drive, Suite 1-E
Mandeville, LA 70471

Dear Congressman Jindal:

Thank you for your March 9, 2005, letter to our Washington office on behalf of Mr. Glen Uhack who wrote to you concerning creosote materials remaining in the area of the Bayou Bonfouca Superfund site in Slidell, Louisiana. Your letter was referred to me for a reply since it concerns a matter within my regional jurisdiction.

My staff has been in contact with both Mr. Uhack and Mr. Dean Yeates, Superintendent of Public Works for the city of Slidell. Mr. Uhack indicated that a drainage ditch near his home is prone to overflow in large storm events and that the city will not clean out the ditch because there is potential creosote contamination in the ditch. Mr. Yeates indicated that the city has indeed cleaned out the ditch.

In order to better assess the concerns about the drainage ditch, my staff will inspect the area on April 6, 2005, together with Mr. Uhack and Mr. Yeates. If you or a member of your staff would like to participate in this site visit, please contact our Congressional Liaison at (214) 665-8185. I will provide you with a report after our inspection.

I appreciate your bringing this matter to my attention and hope this information is helpful to you. If I may be of further assistance, please call me at (214) 665-2100.

Sincerely yours,

A handwritten signature in black ink, appearing to read "R. E. Greene".

Richard E. Greene
Regional Administrator



05-000-8109

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 23 2005

The Honorable Bobby Jindal
U.S. House of Representatives
Washington, DC 20515

THE ADMINISTRATOR

Dear Congressman Jindal:

I am pleased to present the Environmental Protection Agency's biennial Report to Congress on the status and effectiveness of the Coastal Wetlands Conservation Plan (Conservation Plan) for the State of Louisiana. This report, which is required by Section 304(h)(2) of the Coastal Wetlands Planning, Protection, and Restoration Act (P.L. 101-646), covers the years 2002 and 2003.

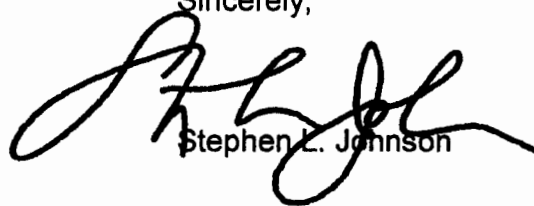
The U.S. Environmental Protection Agency report on the State's efforts to implement the Conservation Plan is based on meetings with officials from the Louisiana Department of Natural Resources (LDNR), analyses of data on permitting and other restoration activities, and our day-to-day coordination and collaboration with LDNR. We believe the State is meeting the Conservation Plan goal of no net loss of coastal wetlands resulting from permits issued for development activities since Plan approval. The State's achievement of this goal is an important part of the overall effort to address the ongoing loss of Louisiana's coastal wetlands due to a combination of past human activities and natural factors outside the purview of the Conservation Plan. While work remains at both the State and Federal level to ensure that compensatory mitigation effectively offsets unavoidable wetlands impacts, the State has carried out additional wetlands restoration measures that help offset the loss of wetlands due to development. It is clear that LDNR is committed to enhancing the effectiveness of its regulatory program. We commend LDNR for its coordination and collaboration with its Federal partners, as well as its work with landowners and others to help promote coastal wetlands mitigation banks.

In addition to the State's work on the Conservation Plan, there has been considerable coastal restoration activity in Louisiana during the past few years to address the significant, ongoing wetland losses caused by factors not covered by the Conservation Plan. I would like to use the opportunity of this biennial report to briefly describe these other activities, while also providing background information on the past and ongoing loss of Louisiana's valuable coastal resources. This information is included in a separate enclosure, along with our detailed recommendations on the Conservation Plan.

Achieving the goal of the Conservation Plan is a vital part of the broader State and Federal efforts to protect and restore Louisiana's coastal wetlands and barrier islands. To that end, the State and Federal governments must continue working as a team to ensure no net loss of wetlands as a result of development activities, while also designing and implementing the most cost-effective restoration strategies. We look forward to continuing to collaborate with the State on this important matter.

We believe that this Report to Congress responds fully to the requirement of Section 304(h)(2) of the Coastal Wetlands Planning, Protection, and Restoration Act. If you have any questions, please call me, or your staff may call Tom Dickerson in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3638.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Johnson', is written over the printed name.

Stephen L. Johnson

Enclosure

**U.S. Environmental Protection Agency
Biennial Review of the Louisiana Coastal Wetlands Conservation Plan:
Background and Recommendations**

Background:

Louisiana's coastal wetlands and barrier islands ecosystem is a nationally significant natural resource. In addition to its ecological productivity, these wetlands and barrier islands:

- ▶ Support the largest fishery in the continental United States;
- ▶ Provide critical habitat for a wide range of birds, including neo-tropical songbirds, migratory waterfowl and three federally-listed species; and
- ▶ Help lessen the impact of storm surges on the coastal communities.

However, even with the important restoration work conducted to date, Louisiana's coastal wetlands and barrier islands continue to face net losses. More than 1.2 million acres have been lost since the 1930s. Throughout the 1990s, Louisiana lost approximately 24 square miles of coastal wetlands each year. It is estimated that an additional 328,000 acres could be lost by 2050 if no further restoration measures are taken. As a result of these past and ongoing losses, the residents and infrastructure of coastal Louisiana are increasingly at risk from hurricanes and tropical storms, and the immense fish and wildlife values of this area are jeopardized. These losses are due to a combination of human and natural factors outside the purview of the Conservation Plan.

To reduce these losses, Congress passed the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) in 1990. Since then, CWPPRA has authorized 142 restoration projects in coastal Louisiana, including barrier island restoration, marsh creation, and Mississippi River reintroduction projects (also known as "diversions"). CWPPRA has also been instrumental in advancing coastal restoration science and planning in Louisiana. Moreover, by establishing an interagency task force for project selection and program governance, CWPPRA has greatly strengthened the interagency partnerships and collaboration needed to meet the complex challenge of restoring coastal Louisiana. CWPPRA also promoted the development of Louisiana's Conservation Plan, which helps ensure that development activities proceed in a way that is consistent with ongoing State and Federal coastal restoration activities in Louisiana.

No discussion of coastal Louisiana would be complete without mention of the recent State and Federal efforts to develop a more complete response to past and ongoing wetlands and barrier island loss. The State and the U.S. Army Corps of Engineers (Corps) entered into a partnership in 2002 to develop a plan for coastal Louisiana. EPA, along with a number of our Federal partners, joined the State and Corps in this effort. The result is the recently completed Louisiana Coastal Area Ecosystem Restoration Plan (LCA Plan) and programmatic environmental impact statement. The LCA Plan contains near-term restoration projects, a science and technology program, and other measures. The LCA Plan also calls for studies of large-scale restoration concepts. EPA fully supports the LCA Plan.

Conservation Plan Recommendations:

1. **Expedite Use of Remaining In-Lieu-Fee Mitigation Funds:** In our previous review of the Conservation Plan, we emphasized the need to expedite the expenditure of money in the State's Wetlands Conservation and Restoration Trust Fund to implement effective mitigation projects. Since that time, we are pleased to note that the State has applied a portion of these funds to mitigation projects for forested wetlands, and has plans to use remaining funds for projects to offset coastal marsh impacts. In order to minimize any further temporal losses in wetlands functions, we strongly encourage the Louisiana Department of Natural Resources (LDNR) to expedite this work, and we stand ready to assist in this effort.
2. **Review Existing Mitigation Projects:** Consistent with the Administration's National Mitigation Action Plan, LDNR is using money provided through EPA's Wetlands Program Development Grants to review the effectiveness of compensatory mitigation. As highlighted by the 2001 National Research Council report on compensatory mitigation, reviewing the status of existing mitigation projects is essential to the overall success of compensatory mitigation. To that end, we are pleased to have provided Louisiana with a grant of \$46,000 to review the functional effectiveness of compensatory mitigation projects in the Coastal Wetlands Conservation Plan (Conservation Plan) boundary. We encourage LDNR to make this effort a priority in the coming year. We look forward to reviewing the results of the review, and working with the State and our Federal partners to address any findings/recommendations that it might produce.
3. **Continue to Support Development of Marsh Mitigation Banks:** As noted in our cover letter, we appreciate LDNR's efforts to support the development of compensatory mitigation banks, particularly for use in offsetting impacts to coastal marsh. Notwithstanding the progress noted above with respect to expenditure of in-lieu-fee funds, we believe that

mitigation banks offer the best opportunity to advance our shared interest in fully compensating for unavoidable impacts to Louisiana's coastal wetlands. To that end, we encourage LDNR to continue its efforts to help support the development of marsh mitigation banks. Additionally, we recommend that such banks be based on techniques and approaches that are most likely to result in real, measurable increases in wetlands functions, i.e., marsh creation and terracing. We look forward to working with the State and our Federal partners as these efforts continue.

4. **Accurately Assess Actual Cost of Compensatory Mitigation:** LDNR is in the process of considering changes to its regulations for coastal use permits. We understand that such changes will include modification of the way in which compensatory mitigation costs are calculated for the purposes of in-lieu-fee mitigation. Setting in-lieu-fee rates to accurately reflect actual compensatory mitigation costs is critical for ensuring that the in-lieu-fee program effectively offsets wetland losses and does not undercut private sector mitigation banks. Accordingly, we recommend that the regulatory changes include a provision calling for periodic recalculation of in-lieu-fee costs to ensure that monies collected for the in-lieu-fee program reflect the actual, up-to-date costs of compensatory mitigation projects.
5. **Help Ensure Consistency Between Coastal Restoration and Development:** As indicated in both CWPPRA and the Louisiana Coastal Area Ecosystem Restoration Study, there is an ongoing need to ensure that various types of public and private development projects do not undermine or conflict with coastal restoration efforts. Obviously, effective implementation of applicable Federal and State regulatory programs is essential for ensuring that impacts to coastal wetlands are avoided and minimized to the maximum extent practicable. Beyond such project-specific efforts, there is also a need to consider the potential interactions between development and restoration projects at a landscape level, and seek ways to avoid conflicts between such activities. To that end, we encourage LDNR to continue to coordinate and collaborate with other State and Federal agencies responsible for development activities in the coastal zone to ensure that potential conflicts with coastal restoration efforts are avoided. Such efforts should focus on the direct, indirect, and cumulative effects of large-scale development activities (such as roads, levees, and navigation improvements), as well as the cumulative effects of numerous small-scale development projects.

6.

7.

Consider Ways to Promote Environmentally Appropriate Tourism:

Recreation and tourism are among the important economic benefits of Louisiana's coastal wetlands. In addition to generating jobs, such activities bring greater visibility to Louisiana's coastal wetlands loss problem. Promoting recreation and tourism in coastal Louisiana can help build the public and private support for coastal restoration and protection. It is critical, however, that such activities are conducted in a way that does not harm the natural resources upon which they are based. Given that there appears to be increasing interest in eco-tourism in coastal Louisiana, we would encourage the State to consider how to promote such activities, while also helping to minimize any potential adverse effects to the coastal environment. Airboat tours are perhaps the most notable example of an activity that can both educate people about wetlands, while also having the potential to harm the environment. Certainly, there are airboat tour operators that conduct their activities in environmentally appropriate ways. However, it has been brought to our attention that some tours, perhaps just a small minority, operate in a way that harms coastal wetlands. Given the economic and educational value of this activity, we recommend the State consider ways of promoting environmentally appropriate airboat tours. For example, the State could consider working with airboat tour operators and interested stakeholders to develop voluntary airboat tour best management practices (BMPs) for minimizing potential environmental impacts. Such BMPs could be provided to all airboat operators, and could even be the basis for a voluntary certification program.

05-000-8399

BOBBY JINDAL
1ST DISTRICT, LOUISIANA

COMMITTEE ON
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SUBCOMMITTEES ON
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EDUCATION REFORM
109TH CONGRESS
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Congress of the United States
House of Representatives
Washington, DC 20515-1801

COMMITTEE ON HOMELAND SECURITY
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PREVENTION OF NUCLEAR AND BIOLOGICAL ATTACK
COMMITTEE ON RESOURCES
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ENERGY AND MINERAL RESOURCES
FISHERIES AND OCEANS

May 20, 2005

Stephen L. Johnson
Acting Administrator
United States Environmental Protection Agency
Ariel Rios Building
Washington, DC 20460

Dear Administrator Johnson:

I am writing to you about the U.S. Environmental Protection Agency's (EPA) implementation and enforcement of the National Pollutant Discharge Elimination System (NPDES) permitting program for storm water discharges from construction sites. The implementation and enforcement of this program is impacting my constituents and, as such, is of great concern to me. The recent implementation of the Phase II rules, the upcoming onset of municipal requirements for smaller communities, and the increase in EPA enforcement activities has exposed a number of problems that merit further review. Specifically, I am concerned with the duplicative and cumbersome permit requirements and the agency's current enforcement strategy.

Protection of water quality is a vital interest for all parties concerned, as demonstrated by the laws and regulations in place to protect this important resource. Thus, storm water runoff is already regulated by a majority of cities, towns, counties, and states. Despite these efforts, EPA has established a process that adds an additional layer of paperwork to an already complex and cumbersome process. In many localities this means that a builder constructing a single family home on a single lot within a subdivision must obtain two or even three separate permits before he/she may allow storm water to flow off of the lot. Multiple paperwork requirements impose significant burdens and prove to be a very real barrier to providing affordable shelter to our nation's citizens.

The Administration has committed to reducing regulatory burdens. In meeting that mandate, I urge EPA to examine the level of duplication between federal, state, regional, and local regulations that control pollutants in storm water runoff and facilitate the consolidation of the storm water permitting administrative responsibilities into one agency. I also urge the agency to work toward reducing the paperwork and simplifying the permit requirements, and develop a general permit specifically for single family homes.

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Similarly, while enforcement is a necessary and important component to any environmental regulatory program, I am concerned that the offenses that warranted many of these fines included simple paperwork errors that resulted in no environmental impacts. I urge you to examine this further and implement a compliance and enforcement strategy that includes an affirmative way to demonstrate compliance, provides field-based compliance assistance, allows permittees to correct alleged deficiencies before being subjected to enforcement actions, and offers an incentive for self-policing. In short,, this would help EPA foster long-term compliance, increase environmental protection, and meet the mandates of the Clean Water Act.

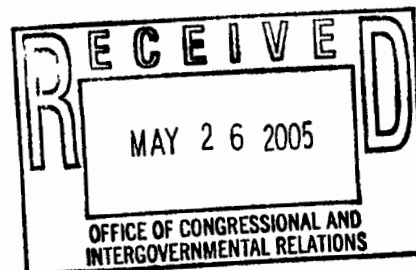
Thank you for the opportunity to share with you my concerns with the current implementation and enforcement of EPA's storm water permitting program. To be true to the goals of the Clean Water Act, I believe that EPA must measure the success of its storm water program not by the number of permits issues or enforcement actions taken, but by environmental outcomes.

Sincerely,



Bobby Lindal
Member of Congress

Cc: Thomas V. Skinner, Acting Assistant Administrator, Office of Enforcement & Compliance Assurance
Benjamin Grumbles, Assistant Administrator, Office of Water
Charles Ingelbretson, Associate Administrator, Office of Congressional and Intergovernmental Relations





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 21 2005

OFFICE OF
WATER

The Honorable Bobby Jindal
U.S. House of Representatives
Washington, DC 20515-1801

Dear Congressman Jindal:

Thank you for your May 20, 2005, letter in which you raised several concerns regarding the implementation of the National Pollutant Discharge Elimination System (NPDES) stormwater program. Most states, including Louisiana, are authorized to implement the NPDES permitting program. This allows each state to implement the program to best address the environmental issues within its jurisdiction and to meet the needs of its citizens. I want to emphasize our mutual interest in reducing unnecessary duplication in the implementation of federal, state and local programs while providing the public with greater predictability, certainty and environmental effectiveness in these programs.

Your letter raises the issue of redundant requirements under federal, state and local programs regarding stormwater controls for construction sites. It is correct that construction sites greater than or equal to one acre in size or, sites part of a larger development greater than or equal to one acre, are required to obtain permit coverage from the state permitting authority which implements the NPDES program. In areas designated as "urban" where municipalities are required by the NPDES regulations to implement programs regulating construction, a construction site operator is also subject to local provisions. Outside of the designated "urban areas," local jurisdictions are not required to develop programs regulating construction. In those areas, a given construction site operator is only subject to state NPDES requirements.

In these urban areas where both state and local programs apply, most of the requirements are the same and operators can typically rely on the same plans, stormwater pollution prevention techniques, documentation, and records to satisfy both programs. Generally, the only substantive duplication would be in the actual application for permit coverage. (State NPDES applications are generally short and simple.)

For communities that develop comprehensive programs covering construction sites, the Phase II regulations allow for states to designate them as "equivalent" programs -- that is, equivalent to the state NPDES program. If so designated, the community would become the primary regulating authority, further reducing any paperwork duplication. As communities continue to develop and improve their construction programs, we envision that many can be designated by states as "equivalent" programs.

Regarding your concerns about EPA's enforcement program, EPA believes that it is important to continually improve compliance with Clean Water Act stormwater requirements to obtain measurable improvement in water quality. Stormwater runoff is a major cause of water quality impairment, contributing to impaired rivers and streams, lakes, ocean shoreline, and estuaries. EPA, in coordination with the states, has worked to improve compliance with the stormwater regulations and reduce runoff pollution from construction sites, as well as other municipal and industrial sources, as part of the compliance and enforcement national priorities for wet weather.

I hope that this letter helps to address your concerns and those of your constituents. If you would like further information, please contact me or have your staff contact Mr. Steven Kinberg of EPA's Office of Congressional and Intergovernmental Relations at 202-564-5037.

*Thanks for
sharing your
views on
this.*

Sincerely,



Benjamin H. Grumbles
Assistant Administrator

Aug. 22, 2005 4:52PM

05-001-2656

No. 0537 P. 1

Congressman
Bobby Jindal



FYI -
E-0115
70

Fax Transmittal

Date: August, 22, 2005

To: Mr. Stephen L. Johnson
Administrator, EPA
c/o Josh Lewis

From: Congressman Bobby Jindal
Louisiana - 01

Fax: (202) 501-1544

Number of pages, including cover sheet: 2

Message:

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www.house.gov/jindal

If you received this fax in error, please notify us by telephone so that we may arrange for the return of the documents.

Aug. 22, 2005 4:52PM

BOBBY JINDAL
1ST DISTRICT, LOUISIANA

COMMITTEE ON
EDUCATION AND THE WORKFORCE
SUBCOMMITTEES ON
EMPLOYER-EMPLOYEE RELATIONS
EDUCATION REFORM
109TH CONGRESS:
FRESHMAN CLASS PRESIDENT
ASSISTANT MAJORITY WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-1801
August 22, 2005

No. 0537 P. 2
COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEES ON
ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION,
AND CYBERSECURITY
INTELLIGENCE, INFORMATION SHARING, AND
TERRORISM RISK ASSESSMENT
PREVENTION OF NUCLEAR AND BIOLOGICAL ATTACK
COMMITTEE ON RESOURCES
SUBCOMMITTEES ON
ENERGY AND MINERAL RESOURCES
FISHERIES AND OCEANS

Mr. Stephen L. Johnson
Administrator
Environmental Protection Agency
c/o Mr. Josh Lewis
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Dear Stephen L. Johnson:

Mayor Ronnie Harris, Mayor of Gretna, has requested my assistance regarding a rescission memo cutting the EPA's FY 2006 Budget. This action directly affects the City of Gretna's Brownfields Cleanup Revolving Loan Fund Grant.

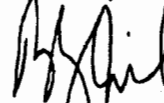
Based on the memo and initial correspondence with the EPA, "exceptions can be made to the limitations on project period extensions and fund transfers based on reasons of unusual or compelling urgency or where an exception would be in the public interest".

Please keep me updated on the status of the City of Gretna's grant. I have an interest in this matter and I would be pleased if you would investigate and comment on this concern at your earliest opportunity. Please forward your response in care of:

The Honorable Bobby Jindal
Attn: Nial Patel
3525 North Causeway Blvd., Ste. #1020
Metairie, LA 70002
Phone: (504) 837-1259
Fax: (504) 837-4239

I look forward to hearing from you as soon as any information is available. Thank you for your kind assistance in this matter.

Sincerely,



Bobby Jindal
Member of Congress

BJ:np

CC: Mayor Ronnie C. Harris

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460



SEP 20 2005

OFFICE OF
CHIEF FINANCIAL OFFICER

The Honorable Bobby Jindal
Attn: Chris Paolino
1205 Longworth House Office Building
Washington, DC 20515

Dear Congressman Jindal:

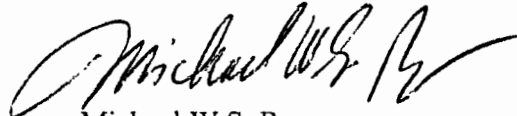
I am responding to your letter of August 22, 2005, to EPA Administrator Stephen Johnson regarding the impact of EPA's FY 2006 rescission on the City of Gretna's Brownfields Cleanup Revolving Loan Fund. EPA fully understands the importance of Brownfields projects to communities seeking to promote local economic growth. We are committed to maintaining as much support as we can for promising efforts, and we recognize the special significance of this support in light of the extraordinary needs in communities recovering from Hurricane Katrina. Please convey a message of encouragement to Mayor Harris and the residents of Gretna on behalf of all of us at EPA.

On August 2, 2005, the President signed EPA's appropriations bill which included an \$80 million rescission. The appropriations language targeted funds associated with projects whose period of performance has expired or will expire prior to October 1, 2005.

The Agency initially instituted several temporary fiduciary measures to ensure that funds are available for rescission. Among them was postponement of project period extensions for grants where the current project period would expire before October 1, 2005. Recognizing that these temporary fiduciary measures were having a significant impact on our partners, EPA took action to mitigate adverse effects. On August 12th, EPA was able to lift the restriction of project period extensions for grants that have expired or will expire between May 1 and October 1, 2005. It is my understanding that the City of Gretna's grant was originally slated to expire on September 30, 2005. However, the project end date for grant number BL98665701 to the City of Gretna was subsequently extended to September 30, 2006. Because the project is no longer slated to expire before the end of FY 2005, funding for this grant will not be subject to the rescission.

Should you need additional information or have further questions, please contact me or have your staff call Jim Blizzard in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-1695.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W.S. Ryan", with a stylized flourish at the end.

Michael W.S. Ryan
Acting Chief Financial Officer

05-001-6468

BOBBY JINDAL
1ST DISTRICT, LOUISIANA

**COMMITTEE ON
EDUCATION AND THE WORKFORCE**
SUBCOMMITTEES ON
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EDUCATION REFORM
10TH CONGRESS:
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Congress of the United States
House of Representatives
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PREVENTION OF NUCLEAR AND BIOLOGICAL ATTACK
COMMITTEE ON RESOURCES
SUBCOMMITTEES ON
ENERGY AND MINERAL RESOURCES
FISHERIES AND OCEANS

November 1, 2005

Stephen L. Johnson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave.
Washington D.C. 20460

Dear Mr. Johnson,

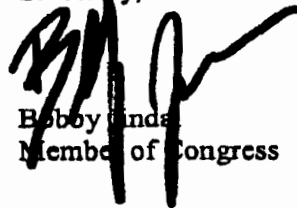
As we continue with the unprecedented job of cleaning up and rebuilding Louisiana, it is imperative that we do so in an efficient, responsible, and safe manner. To that end, I am writing to bring your attention to an issue that deserves an immediate response.

According to press accounts, the amount of debris left behind by Hurricanes Katrina and Rita has prompted officials to relax certain environmental laws, and allow toxic debris to be taken to facilities that may not be equipped to handle such waste. At the same time, the state apparently has landfill space available in facilities that can handle the diverse amount of toxic waste.

While time is certainly of the essence when considering how we clean up Louisiana and the rest of the Gulf region, it makes little sense to do so in a manner that has the potential to cause long-term environmental and health problems. This is especially true if there is the capacity to handle the debris in an environmentally sound manner. The attached article from the *Washington Post* outlines this problem.

Thank you for your attention to this critical issue. Your timely reply would be appreciated.

Sincerely,



Bobby Jindal
Member of Congress

BJ/zr

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Hurricane Bends Landfill Rules

To Handle Katrina Detritus, an Old Dump Site Reopens

By Manuel Roig-Franzia
Washington Post Staff Writer
Sunday, October 30, 2005; A08

NEW ORLEANS, Oct. 29 -- New Orleans is building a mountain, a heap of broken concrete and soiled mattresses and shredded curtains plopped out on the edge of a swampy road that routinely draws comparisons to a hellish scene from Dante's "Inferno."

This place is called the Old Gentilly Landfill, an ancient dump that was shut down after being identified by federal regulators as a possible hazardous waste site nearly a quarter-century ago and that taxpayers have spent millions to clean up. The rebirth after Hurricane Katrina of Old Gentilly -- designated as a disposal site for "clean waste" from construction and demolition operations -- is the starkest example of how Louisiana is relaxing environmental laws to deal with the immensity of the storm's residue. Debris, such as soggy carpeting and plastic furniture that before the storm could never have gone into this kind of landfill, has been cleared by state environmental regulators to be dumped here in the open air. The state is allowing dumping at unlined Old Gentilly, even though more-modern landfills are nearby.

"The rules that were in place before this, they don't apply," said Chuck Carr Brown, the assistant secretary of the Louisiana Department of Environmental Quality responsible for landfill regulation.

Everyone knows that Katrina produced an amazing amount of waste -- 22 million tons, according to state estimates, about 15 times the debris removed after the Sept. 11, 2001, attacks. Picking up trash is a relatively unsophisticated job; disposing of it is a much more complex task because of the potential long-term environmental effects of putting garbage in the ground.

New Orleans has a bad track record with hurricane debris. After Hurricane Betsy in 1965, the city used the same approach that is now being used: reopen an old landfill.

The decision after Betsy to resurrect the Agriculture Street Landfill was disastrous. The landfill has been designated a Superfund site, federal regulators have slapped millions of dollars in fines on the city, cancer-causing substances have been found there, and lawsuits have been filed because houses and a school were built on top of it.

After Katrina, Old Gentilly shuddered back to life without a peep on a road notorious for illegal dumping east of New Orleans -- there was no one around to complain. New Orleans, which owns the landfill and pays two private companies to operate it, had been trying for two years to reopen Old Gentilly. But the process accelerated after Katrina, and many of the state-imposed requirements -- such as the types of waste that could be deposited and a mandate to build perimeter fencing -- vanished with a single stroke of Brown's pen on Sept. 29, a month after the storm.

Brown bristled at the notion that residents, who approved a bond measure to clean up the site, might complain once they return and find it reopened. "What taxpayers?" he said. "They're all displaced. I don't think anybody's worried about garbage. . . . I think they want us to dispose of this." Anyone who

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Hurricane Bends Landfill Rules

Page 2 of 2

questions using Old Gentilly and other now-closed dumps that Brown plans to reopen, he said, "does not have the best interests of the state of Louisiana in mind."

But Brown's decisions have begun to draw attention on Capitol Hill and among environmentalists. The Sierra Club of Louisiana, which calls Old Gentilly "a Superfund site waiting to happen," and the Louisiana Environmental Network plan to file a lawsuit Monday challenging the reopening of Old Gentilly. Sens. James M. Inhofe (R-Okla.), chairman of the Senate Environment and Public Works Committee, and David Vitter (R-La.) have sent a letter to the U.S. Army Corps of Engineers, which awarded garbage contracts, pointing out that there is enough space in modern landfills, "making it unnecessary to open old dumps that do not meet today's standards."

One of the landfill operators -- Jimmie Woods -- was subpoenaed for documents last year in connection with a federal investigation of alleged corruption in the administration of former New Orleans mayor Marc Morial. Woods did not return phone calls.

"It's just good ol' Louisiana politics," said Wade P. Scott, owner of a modern landfill in nearby St. Charles Parish. He said there is more than enough capacity to handle "several Katrinas" between his landfill and another in Jefferson Parish, owned by businessman Fred Heebe. Brown says the landfills in St. Charles and Jefferson parishes could not process the waste fast enough, though Scott says it would be easy to set up multiple entrances to speed the flow.

Robert Wiygul, a lawyer for the environmental groups filing suit Monday, said placing new debris on the old dump at Gentilly could squeeze toxic liquids out of the buried garbage.

"You don't want to get rid of one mess by creating another mess that is going to haunt you for years to come," he said.

Brown rebuts the claim, saying soil borings showed no liquid beneath the surface, setting up what is likely to be a contentious court battle. While they argue, out in the bogs of New Orleans a mountain grows.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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NOV 23 2005

AL 05-001 -
0468

The Honorable Bobby Jindal
United States House of Representatives
Washington, DC 20515

Dear Congressman Jindal:

Thank you for your letter of November 1, 2005, to Stephen L. Johnson, Administrator of the Environmental Protection Agency (EPA), regarding the acceptance of Katrina wastes at the Gentilly Landfill. Since Louisiana is in my jurisdiction, I have been asked to respond to your inquiry.

You were concerned that, according to press accounts, this landfill was allowed to accept toxic wastes for which it was not designed. This facility was designed and permitted to accept construction and demolition wastes more than a year ago.

The Louisiana Department of Environmental Quality (LDEQ) permitted the current Gentilly Landfill as a Type III "construction and demolition" landfill on December 28, 2004, after public review and comment. On September 29, 2005, LDEQ authorized the operations at the Gentilly Landfill (copy enclosed). The waste being disposed at the Gentilly Type III Landfill falls under the construction and demolition waste classification and is not considered hazardous waste. At the entrance to the landfill, the loads are inspected to ensure that hazardous waste is not deposited in the landfill. The hazardous wastes are separated at the source and transported to landfills that are designed to handle such wastes.

The EPA is coordinating with the LDEQ, the Army Corps of Engineers, and the Federal Emergency Management Administration to ensure that the environmental safeguards are carried out. If you have additional questions about this or other waste disposal facilities, please contact me at (214) 665-2100, or have your staff call Mr. Willie Kelly at (214)-665-6761, or Mr. Eric Adidas at (214)-665-8308.

Sincerely yours,

Richard E. Greene
Regional Administrator

Enclosure

cc: Mike D. McDaniel, Ph.D., Secretary
Louisiana Department
of Environmental Quality

Congress of the United States
Washington, DC 20515

March 28, 2007

07-000-5350

CCY
John
file
Catherine
Chris
/Cavin

The Honorable Stephen L. Johnson
 Administrator
 U.S. Environmental Protection Agency
 1200 Pennsylvania Avenue, N.W.
 Washington, DC 20460

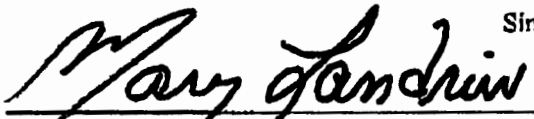
Dear Administrator Johnson,

As you know, the Congress recently passed a Continuing Resolution (CR) for Fiscal Year 2007 which includes funding for the Environmental Protection Agency's (EPA) Environmental Programs Management initiatives. As funding for rural water programs was not specifically designated, we are writing to urge you to utilize the appropriations provided in the CR to continue FY07 funding for the Rural Water Associations' Grassroots Technical Assistance Initiatives currently operating in Louisiana.

It is important to us that funding for Louisiana's rural water programs remains a priority within EPA's FY07 appropriations. Rural communities in our state, because of their limited technical and financial resources, depend heavily on the Louisiana Rural Water Association's (LRWA) services to protect the quality of drinking water and to comply with federal mandates. Without these initiatives, effective implementation of the Safe Drinking Water Act and Clean Water Act in our rural areas would be impossible. This fact is especially relevant as new and complex EPA mandates require local water systems to adhere to much higher testing and enforcement standards. The technical expertise and guidance of the LRWA has proven invaluable for our rural communities in recent years, especially in the wake of hurricanes Katrina and Rita.

As the EPA determines funding allocations for its programs using appropriations from the FY07 CR, we urge you to include funding for Rural Water Associations that would, at a minimum, maintain current operations and staffing levels in our state. We appreciate your attention to this important issue and look forward to your response.

Sincerely yours,



MARY LANDRIEU
 United States Senator



DAVID VITTER
 United States Senator



RICHARD BAKER
 Member of Congress



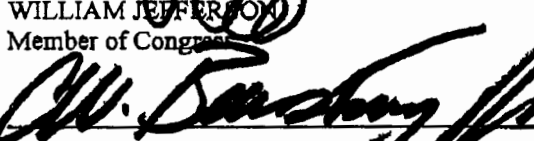
JIM MCCRERY
 Member of Congress



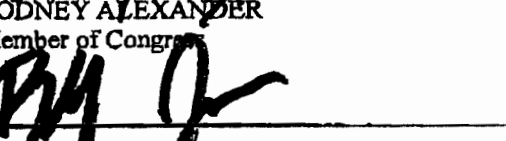
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HON JIM MCCRERY

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Congress of the United States
House of Representatives
Washington, DC 20515

FAX COVER SHEET

Time: 2:30pm Date: 3/28/2007

To: HON. STEPHEN L. JOHNSON, ADMINISTRATOR, EPA

Fax: _____ Phone: _____

Sent From: The Honorable Jim McCrery
242 Cannon HOB
Washington, DC 20515
Phone: (202) 225-2777
Fax: (202) 225-8039

Sent By: Will Ensenat Lynsie Foster Jan Fowler
Brent Golleher Clayton Hall Aimee Hartlage
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Comments: THANK YOU!

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 18 2007

OFFICE OF
WATER

The Honorable Bobby Jindal
U. S. House of Representatives
Washington, DC 20515

Dear Congressman Jindal:

Thank you for your letter of March 28, 2007, to Stephen L. Johnson, Administrator of the Environmental Protection Agency (EPA), expressing your support for provision of funding to the National Rural Water Association (NRWA) from discretionary money that may be available to the Agency in the final Fiscal Year 2007 budget. I have been asked to respond to your letter on behalf of the Administrator. EPA agrees with you that it is critical to provide training and technical assistance to small drinking water systems to ensure that they are able to comply with standards under the Safe Drinking Water Act.

As you know, the NRWA receives financial assistance through Congressionally-directed funding in EPA's appropriations bills. EPA has included funding in its Fiscal Year 2007 operating plan for a rural water competitive grant program to provide training and technical support for small drinking water systems.

I want to assure you that EPA will also continue to support small systems through our other activities. The Agency supports training and develops targeted tools to help support small system implementation of regulatory requirements. States can also use funding from their Drinking Water State Revolving Fund (DWSRF) grants to support small systems. In addition to the \$14 million expended in FY 2006 for technical assistance to small systems, states also expended an additional \$38 million for other set-aside activities that primarily benefit small systems.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Steven Kinberg, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-5037.

Sincerely,

A handwritten signature in black ink, appearing to read "B. H. Grumbles", is written over a horizontal line.

Benjamin H. Grumbles
Assistant Administrator



BOBBY JINDAL
Governor

State of Louisiana
Office of the Governor
April 7, 2009

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

The Honorable Richard E. Besser, M.D.
Acting Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30333

Dear Administrator Jackson and Acting Director Besser:

In late February of this year, the State of Louisiana became aware of an unusual problem with premature corrosion of copper and other metal parts in a less-than-two-year-old home in southeast Louisiana. Despite trying to replace corroded parts over and over, the homeowners literally watched the corrosion eat away at their property and, when they learned that it might have been associated with the presence of Chinese-made drywall in their home, became concerned that their own home might also be a potential health hazard.

To assess the scope and extent of any potential health hazard in Louisiana, we immediately began taking proactive steps, including expanding operation of the Indoor Air Quality Hotline of our state Department of Health and Hospitals' Section on Environmental Epidemiology and Toxicology, reaching out to the United States Environmental Protection Agency and the Centers for Disease Control and Prevention's Agency for Toxic Substances and Disease Registry, and working with the Department of Health of the State of Florida, which has been experiencing the corrosion/drywall phenomenon since the middle of last year.

In the time since our first contact with this issue, our Indoor Air Quality Program has received more than 350 consumer/resident calls related to the corrosion/drywall issue. Health-related complaints are sporadic and DHH is attempting to gather more health-related information. However, media reports on the amount of drywall imported from China suggest that as many as 7,000 Louisiana homes may be affected, based on the amount of drywall imported into the state and used in the rebuilding here after Hurricanes Katrina and Rita in 2005.

Recently completed laboratory analysis of bulk samples of drywall used in homes in South Florida confirmed the presence of radioactive sulfur compounds and elemental sulfur in drywall from China, and confirmed that drywall from problem homes generated additional, secondary sulfur compounds when exposed to high relative humidity or heat. All of these compounds are capable of causing the type of corrosion identified in Louisiana complaint homes, and, at sufficient concentrations, could pose a health hazard. These initial findings suggest that indoor air samples to determine occupant exposure to the corrosive gases should be performed in Louisiana.

We in Louisiana are not in a position to do this testing alone, and even the United States Consumer Product Safety Commission—which recently initiated an investigation focused on the suspected drywall and secondary damage it may be causing to electrical wiring, safety equipment and natural gas connections—has said that it does not have the resources and testing expertise necessary to evaluate occupant exposure in problem homes.

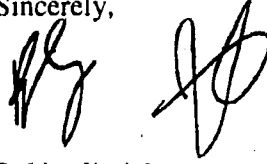
Given that additional reports of corrosion and drywall from Virginia and North Carolina now show that this is an interstate issue connected to the importation of a foreign-made product, I am requesting assistance from the EPA and the CDC to develop and implement chemical testing protocols in homes in Louisiana and elsewhere that are experiencing severe copper corrosion associated with Chinese-made drywall. The Environmental Response Teams and Industrial Hygienists from the Agency for Toxic Substances and Disease Registry are expertly capable of evaluating the health hazards possibly associated with gases emitted from Chinese-made drywall, and will enable a timely exposure assessment and discovery of any public health implications.

On behalf of the State of Louisiana, I ask for any assistance you may be able to provide in accessing federal resources to assess human health exposures and hazards in these homes, which I know will benefit Louisianans and other Americans alike adversely impacted by this unexpected and peculiar set of circumstances.

Our contact for this project is our State Health Officer and Medical Director:
Jimmy Guidry, M.D.
Louisiana Department of Health and Hospitals
628 N. 4th St.
Baton Rouge, LA 70802
P.O. Box 629
Baton Rouge, LA 70821-0629
Phone: (225) 342-3417
Fax: (225) 342-4497

We sincerely appreciate your consideration, and look forward to working with you and your staff in the days and weeks to come.

Sincerely,

A handwritten signature in black ink, appearing to be 'BJ' followed by a stylized flourish.

Bobby Jindal
Governor, State of Louisiana

cc: Louisiana Congressional Delegation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 30 2009

THE ADMINISTRATOR

The Honorable Bobby Jindal
Governor
State of Louisiana
Baton Rouge, LA 70804

Dear Governor Jindal:

Thank you for your letter of April 7, 2009, to the Environmental Protection Agency (EPA) expressing your concerns regarding the safety of drywall products imported into the United States from China. I share your concerns and can assure you that EPA is working with our federal and state partners to address the challenges posed by imported Chinese drywall.

The Consumer Product Safety Commission (CPSC) is the lead federal agency for this issue. EPA is now working with CPSC, the Agency for Toxic Substances and Disease Registry (ATSDR), and other state and federal agencies to determine what health risks are posed by the drywall in question. In addition, since December 2008 CPSC has been actively addressing Chinese drywall issues by conducting meetings with wall board manufacturers, tracking the import stream, and consulting with the U.S. Geological Survey (USGS) on gypsum geology in China and the National Institute for Occupational Safety and Health (NIOSH) on deconstruction safety and the development of study plans.

At the request of ATSDR, EPA's Environmental Response Team (ERT) in Edison, New Jersey is also assisting federal efforts by undertaking analysis of the chemical composition of samples of Chinese drywall. The ERT is in the process of analyzing samples of Chinese drywall product. EPA expects the results to be available by mid May 2009. We plan to share the results with our federal and state partner agencies, including your office and the Louisiana Department of Health and Hospitals.

EPA is also chairing a workgroup to develop an indoor sampling plan that would field verify the results of the chamber studies on Chinese drywall and determine the level of contaminants in people's homes. The workgroup has representatives from Florida, Louisiana, CPSC, and ATSDR and expects to have an agreed-upon sampling plan by the end of June 2009.

On April 23, 2009 EPA participated in a congressional staff briefing on this issue, and EPA is continuing to communicate regularly with your State Health Officer and Medical Director, Dr. Guidry, as well as with other Louisiana officials. We will continue to support the efforts of the CPSC, ATSDR and our other federal and state partners to address the issues posed by Chinese

drywall. If you have any further questions or concerns, please feel free to contact me or your staff may contact Jack Bowles, Director of State & Local Relations at 202-564-3657.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Jackson', with a large loop at the beginning and a horizontal stroke at the end.

Lisa P. Jackson



09-001-3075

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP - 2 2009

THE ADMINISTRATOR

The Honorable Bobby Jindal
Governor of Louisiana
Office of the Governor
P.O. Box 94004
Baton Rouge, Louisiana 70804-9004

Dear Governor Jindal:

We have reached the six month mark for the implementation of President Obama's *American Recovery and Reinvestment Act* (ARRA). This has been an exciting and challenging time for all of us and has pushed us to explore quicker and more efficient ways of doing our work. We have also looked to you, our state partners, to better understand your needs in terms of ARRA implementation. In response, we have developed guidance and training materials, and conducted numerous web based ARRA sessions for those receiving funds.

The first phase of our ARRA work is almost complete – EPA has obligated over 90% of our ARRA dollars. The second phase for EPA is to ensure that our state and other partners can take those obligated funds and turn them into funded projects.

The heart of the Recovery Act is to jumpstart our economy by creating or saving jobs, sustaining our communities, enhancing environmental quality, and building or rebuilding the critical infrastructure of this great nation. I do not see a bright line that separates where EPA's work ends and where the work in Louisiana begins. We are in this together, and our success will be a shared state-federal investment in American growth.

Enclosed is a chart as of August 31, 2009 that specifically identifies the EPA ARRA program funds obligated to Louisiana and the current spending or outlays against those awards. We know these funds are vital to your state's economy and to improving basic infrastructure for your residents.

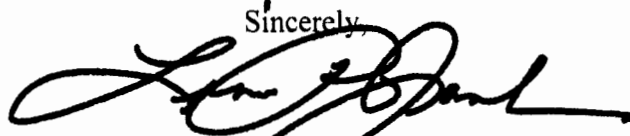
As you know, ARRA requires Clean Water and Safe Drinking Water State Revolving Funds be under contract or construction within 12 months of enactment. This means that if a State has not fulfilled this requirement by February 17, 2010, EPA must reallocate these appropriated funds, and the State loses that funding. EPA is committed to assisting States in meeting this and other deadlines. EPA has also provided funding for the Superfund, Leaking Underground Storage Tanks, Brownfields and Diesel Emissions

Reduction (DERA) programs. These funds, like those provided to the water programs, have deadlines which must be met for outlays as well.

EPA would like to help facilitate the expenditure of ARRA funds. There are new reporting and tracking requirements associated with ARRA, and we are happy to provide assistance in understanding and meeting those requirements. We also recognize that a number of provisions, such as the Davis-Bacon Wage Act requirements and the Buy American requirements, could potentially slow expenditure of funds. We stand ready to help in any way we can.

Since the inception of ARRA, EPA has established a senior level Steering Committee that has worked to identify and address any issue or obstacle that could have been an impediment to our implementation of ARRA. This Committee includes senior Headquarters and Regional officials, the Inspector General and representatives from the Office of Management and Budget. I have asked that Committee to also serve as an advisory group on state issues related to ARRA. I encourage you to contact me or have your staff contact Mr. Craig Hooks, Assistant Administrator for Administration and Resources Management and the Agency Senior Responsible Official for ARRA activities, if there are any issues we can help resolve. Mr. Hooks can be reached at (202)564-4600 or by email at hooks.craig@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", with a long horizontal flourish extending to the right.

Lisa P. Jackson

Enclosure

State of Louisiana
Environmental Protection Agency
American Recovery and Reinvestment Act (ARRA) Resource Use
As of August 31, 2009

Program	Budget	Obligated	Outlayed	% Obligated	% Outlayed
Brownfields	\$200,000.00	\$200,000.00	\$0.00	100.0%	0.0%
Clean Water SRF	\$43,081,400.00	\$43,081,400.00	\$0.00	100.0%	0.0%
Clean Diesel Funding Assistance Program	\$0.00	\$0.00	\$0.00	0.0%	0.0%
Clean Diesel Grant Program	\$1,730,000.00	\$1,730,000.00	\$0.00	100.0%	0.0%
Drinking Water SRF	\$27,626,000.00	\$27,626,000.00	\$32,574.00	100.0%	0.1%
Water Quality Planning (604b)	\$435,200.00	\$435,200.00	\$0.00	100.0%	0.0%
LUST Trust Fund Program	\$2,680,000.00	\$2,680,000.00	\$0.00	100.0%	0.0%
Superfund	\$0.00	\$0.00	\$0.00	0.0%	0.0%
Louisiana Total:	\$75,752,600.00	\$75,752,600.00	\$32,574.00	100.0%	0.0%

Obligation: A binding agreement that will result in outlays, immediately or in the future. Budgetary resources must be available before obligations can be incurred legally.

Outlays: Amount of obligations paid. Includes payments in the form of cash (currency, checks, or electronic fund transfers) and in the form of debt instruments (bonds, debentures, notes, or monetary credits) when they are used to pay obligations.



09-001-7974

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 24 2009

THE ADMINISTRATOR

The Honorable Bobby Jindal
Office of the Governor
P. O. Box 94004
Baton Rouge, Louisiana 70804

Dear Governor Jindal:

Nine months ago, President Obama signed into law the American Recovery and Reinvestment Act (ARRA). With your help, EPA was able to obligate all of the Clean Water and Drinking Water State Revolving Fund (SRF) program resources, the first step in turning these funds into jobs. The next phase of implementation and moving projects to construction is now underway. This is the phase that brings needed jobs into the economy, and States with local water and waste water utilities have this primary responsibility.

The State of Louisiana was awarded approximately \$71 million in ARRA funds for the SRF programs. As of November 23, with three months remaining until the February 17, 2010 deadline to have these funds under contract, Louisiana has reported 0% of its Clean Water SRF funds and 19% of its Drinking Water SRF funds under contract. The creation of needed jobs will depend on successfully getting projects under construction and with three months to go I want to make sure you know your status. In the coming month I will personally make phone calls to some States to inquire into the ongoing progress of the SRF programs.

As I stated in my September 2, 2009 letter to you, ARRA requires Clean Water and Safe Drinking Water State Revolving Fund dollars be under contract or construction within 12 months of enactment. This means that if a State has not fulfilled this requirement by February 17, 2010, EPA is required by law to reallocate these appropriated funds, and the State loses that funding. We know these funds are vital to your state's economy and to improving basic infrastructure for your residents, and we encourage every effort to ensure that no funds are reallocated, and outlays proceed at an accelerated pace.

Just as important as contracts and construction are to the success of ARRA, outlays represent the final step of delivering ARRA funds to local economies. While there is no specific timeline for all outlays to be completed, the clear expectation by both Congress and the public is that outlays must occur in an accelerated fashion in order to create jobs and maintain the current economic recovery.

I encourage you to contact me or have your Recovery official contact Mr. Craig Hooks, Assistant Administrator for Administration and Resources Management and the Agency Senior Responsible Official for ARRA activities, if there are any issues we can help resolve. Mr. Hooks can be reached at (202)564-4600 or by email at hooks.craig@epa.gov.

Sincerely,



Lisa P. Jackson

Governor,

I hope we can set
aside a few minutes
next week to discuss
how EPA can help
LA meet the 2/17/10
deadline. T.C.



10-000-3318

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR - 5 2010

THE ADMINISTRATOR

The Honorable Bobby Jindal
Governor of Louisiana
P. O. Box 94004
Baton Rouge, Louisiana 70804

Dear Governor Jindal:

I congratulate you on Louisiana's success in meeting the February 17, 2010, American Recovery and Reinvestment Act (ARRA) deadline for using Clean Water and Drinking Water State Revolving Funds (SRF). According to our records, Louisiana reports that all of its ARRA SRF funding is under contract. Thank you for your partnership and leadership in moving Clean Water and Drinking Water projects to construction, bringing needed jobs into the economy.

We know these funds are vital to your state's economy and to improving basic infrastructure for your residents. When leveraged with annual SRF funding, these funds should bring a significant increase in SRF projects to Louisiana. Now that all funding is under contract, we encourage every effort to ensure that outlays proceed at an accelerated pace. EPA stands ready to help you in any way possible as we continue to implement ARRA together.

I encourage you to contact me or have your Recovery official contact Mr. Craig Hooks, Assistant Administrator for Administration and Resources Management and the Agency Senior Responsible Official for ARRA activities, if there are any issues we can help resolve as we move forward. Mr. Hooks can be reached at (202)564-4600 or by email at hooks.craig@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson".

Lisa P. Jackson



10-001-6949
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 6 2010

THE ADMINISTRATOR

The Honorable Bobby Jindal
Governor of Louisiana
P. O. Box 94004
Baton Rouge, LA 70804

Dear Governor Jindal:

As you are aware, the President has signed an Executive Order creating the Gulf Coast Ecosystem Restoration Task Force and has asked me to serve as the Chair. The Task Force includes key federal agencies, such as the Departments of Interior, Commerce, Agriculture, Justice, Transportation, and Defense as well as other offices from within the Executive Office of the President. In addition, the Task Force will include five State representatives, appointed by the President upon recommendation of the Governors of each Gulf State.

Please accept this letter as my formal request for a State representative to join me on this Task Force. The representative that you select should be an elected officer of State government (or their designated employee with authority to act on their behalf) acting in their official capacity. I am asking to receive your State representative selection by October 22, 2010, so that we can convene an initial meeting of the Task Force on November 8. The meeting will be held in the Florida panhandle (exact location to be determined), and I invite you to personally join us for this initial kickoff meeting if possible. If you have any questions before making your state representative selection, please contact me or your staff can call Janet Woodka at (202) 564-7362.

President Obama has said many times that our commitment to the families and environment in the Gulf extends far beyond capping the well. Our work is not complete until the people and the environment they rely on are on the path to restoration and recovery. This Task Force will be a true partnership with the local communities of the Gulf Coast. We will conduct our important work in a transparent and inclusive manner, and we will seek diligently to cut through the red tape that can often constrain long term recovery efforts.

I am proud to take on leadership of this Task Force and honored to have a representative from your State join me. As someone charged with protecting health and the environment and as someone who grew up as part of the gulf coast community, I welcome the opportunity to make a difference for the people of this region with the other members of this Task Force.

Sincerely,

Lisa P. Jackson

*Thank you for
your support
L. Jackson*

BOBBY JINDAL
GOVERNOR



OFFICE OF THE GOVERNOR

10-001-9213

Post Office Box 94004
Baton Rouge, LA 70804-9004

October 22, 2010

The Honorable Lisa Jackson
Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C., 20460

Dear Administrator Jackson:

In accordance with President Barack Obama's October 5, 2010 Executive Order establishing the Task Force, I hereby recommend Mr. Garret Graves serve as my designee. Mr. Graves serves as the chairman of the Coastal Protection and Restoration Authority of Louisiana, the state entity responsible for leading coastal restoration, hurricane/flood protection and efforts to improve the resiliency of our coastal communities.

For decades, Louisiana has faced one of the greatest environmental, cultural, and economic crises in our nation. The loss of 2,300 square miles of coastal wetlands has resulted in the loss of North America's most productive ecosystem, the encroachment of the Gulf of Mexico upon our coastal communities, and increased the vulnerability of our citizens in the event of severe weather including hurricanes. While the nation has maintained a "no net loss of wetlands policy," one of the Americas' largest expanses of wetlands has in fact been lost in coastal Louisiana.

We have seen a number of recent instances where this vulnerability has been exacerbated. In just the last five years, five major disasters have threatened the future of the two million people that live in coastal Louisiana. Hurricanes Katrina, Rita, Gustav and Ike, and the Deepwater Horizon oil spill, continue to threaten our way of life in Louisiana. Action by the federal government to protect our coast is long-overdue.

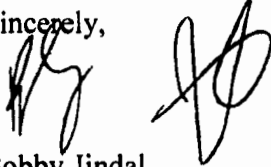
Over the last several years, we have seen dozens of ideas, announcements, plans and studies to protect our coast. Simply, we are in need of more action at the federal level to save our coast, not more studies. While the state has exponentially increased investment into coastal sustainability efforts and fundamentally restructured our state agencies to tackle our coastal challenges, our progress continues to be impeded by federal policy

conflicts, regulation and bureaucracies. Many of these obstacles are the same ones that were identified for reform years ago.

The Gulf Coast Ecosystem Restoration Task Force (GCRTF) is one of many venues that have been established to address Louisiana's coastal crisis. Others include the White House's Gulf Coast Ecosystem Restoration Working Group and Secretary Mabus' long-term recovery plan. The GCRTF's mission should not be limited to ecosystem restoration. A lesson learned from Hurricane Katrina was the need to take a system-wide or comprehensive approach to coastal sustainability. This will include structural (levees, floodwalls, floodgates, pumping stations, etc.) and non-structural (restoring and protecting wetlands, coastal forests, natural ridges and cheniers; building standards, zoning, etc.) solutions.

Mr. Graves has had the opportunity to work closely with our coastal parishes and community leaders for a number of years and will continue to engage our coastal stakeholders to ensure their adequate representation on the GCRTF. He can be reached at 225-342-7669 or garret@LA.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'BJ', written over the word 'Sincerely,'.

Bobby Jindal
Governor



11-000-2368

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 15 2011

THE ADMINISTRATOR

Governor Bobby Jindal
Governor of Louisiana
P.O. Box 94004
Baton Rouge, Louisiana 70804-9004

Dear Governor Jindal:

Congress passed the American Recovery and Reinvestment Act nearly two years ago on February 17, 2009. At the time of enactment of the Recovery Act, states across the nation were struggling with the effects of one of our country's most significant economic downturns. The Recovery Act provided an unprecedented resource infusion to jumpstart our economy, create or save millions of jobs, and address long-standing challenges throughout the nation. The Recovery Act provided \$7.2 billion for environmental programs that funded much needed clean water and drinking water infrastructure, implemented diesel emission reduction technologies, cleaned up leaking underground storage tanks, revitalized and reused Brownfields, and cleaned up Superfund sites.

I would like to express my thanks to your state environmental departments and agencies for their efforts and success in administering Recovery Act resources throughout your state. As of the end of calendar year 2010, 100 percent of appropriated environmental program funds have been obligated and 70 percent have been outlaid nationwide. As reported by recipients of environmental Recovery Act awards, nearly 16,000 jobs were funded during the last reporting quarter. These significant achievements are a direct reflection of the careful stewardship and extraordinary program management exhibited by state environmental, health and natural resource managers.

While much remains to be done to complete our Recovery Act projects, we look forward to partnering with you in 2011 to finish this important work, knowing that our joint efforts will protect and promote green jobs, create a healthier environment, and continue to put America back to work. If you have any questions or issues regarding outlays of Recovery Act funds, please contact me or your staff may contact Craig Hooks, Assistant Administrator for the Office of Administration and Resource Management and senior accountable official for the Recovery Act, at (202) 564-4600 or by email at hooks.craig@epa.gov.

Sincerely,

A handwritten signature in black ink, which appears to read "Lisa P. Jackson", is written over a horizontal line.

Lisa P. Jackson

11-001-9272

**THE WHITE HOUSE OFFICE
REFERRAL**

November 10, 2011

TO: ENVIRONMENTAL PROTECTION AGENCY

ACTION COMMENTS:

ACTION REQUESTED: DIRECT REPLY W/COPY

REFERRAL COMMENTS:

DESCRIPTION OF INCOMING:

ID: 1067908

MEDIA: LETTER

DOCUMENT DATE: October 06, 2011

TO: PRESIDENT OBAMA

FROM: THE HONORABLE BOBBY JINDAL
OFFICE OF THE GOVERNOR
BATON ROUGE , LA 70804

SUBJECT: EXPRESSES COMMENTS AND CONCERNS REGARDING THE
CONSEQUENCES AND COST ASSOCIATED WITH THE IMPLEMENTATION OF
EPA'S CROSS-STATE AIR POLLUTION RULE (CSAPR) AND ASKS FOR
RECONSTRUCTION OF THE FORMATION OF CSAPR

COMMENTS:

**PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS OF RECEIPT,
UNLESS OTHERWISE STATED, PLEASE TELEPHONE THE UNDERSIGNED AT (202) 456-2590.**

**RETURN ORIGINAL CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO: DOCUMENT TRACKING UNIT,
ROOM 85, OFFICE OF RECORDS MANAGEMENT - THE WHITE HOUSE, 20500
FAX A COPY OF REPOSE TO: (202) 456-5881**

**THE WHITE HOUSE
DOCUMENT MANAGEMENT AND
TRACKING WORKSHEET**



DATE RECEIVED:

CASE ID: 1067908

NAME OF CORRESPONDENT: THE HONORABLE BOBBY JINDAL

SUBJECT: EXPRESSES COMMENTS AND CONCERNS REGARDING THE CONSEQUENCES AND COST ASSOCIATED WITH THE IMPLEMENTATION OF EPA'S CROSS-STATE AIR POLLUTION RULE (CSAPR) AND ASKS FOR RECONSTRUCTION OF THE FORMATION OF CSAPR

ROUTE TO: AGENCY/OFFICE	(STAFF NAME)	ACTION		DISPOSITION	
		INITIALS	DATE	INITIALS	DATE
INTERGOVERNMENTAL AFFAIRS	VALERIE JARRETT	ORG	10/31/2011		

ACTION COMMENTS:

EPA

R 11/10/11

ACTION COMMENTS:

ACTION COMMENTS:

ACTION COMMENTS:

ACTION COMMENTS:

COMMENTS:

MEDIA TYPE: LETTER

USER CODE:

ACTION CODES	DISPOSITION		
	TYPE RESPONSE	DISPOSITION CODES	COMPLETED DATE
A = APPROPRIATE ACTION B = RESEARCH AND REPORT BACK D = DRAFT RESPONSE I = INFO COPY/NO ACT NECESSARY R = DIRECT REPLY W/ COPY ORG = ORIGINATING OFFICE	INITIALS OF SIGNER (W.H. STAFF) NRN = NO RESPONSE NEEDED OTBE = OVERTAKEN BY EVENTS	A = ANSWERED OR ACKNOWLEDGED C = CLOSED X = INTERIM REPLY	DATE OF ACKNOWLEDGEMENT OR CLOSEOUT DATE (MM/DD/YY)

KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING LETTER AT ALL TIMES

REFER QUESTIONS TO DOCUMENT TRACKING UNIT (202)-455-2590

SEND ROUTING UPDATES AND COMPLETED RECORDS TO OFFICE OF RECORDS MANAGEMENT - DOCUMENT TRACKING UNIT ROOM 86, EEOB.

**Scanned By
ORM**



BOBBY JINDAL
GOVERNOR

Post Office Box 94004
Baton Rouge, LA 70804-9004

OFFICE OF THE GOVERNOR

October 6, 2011

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

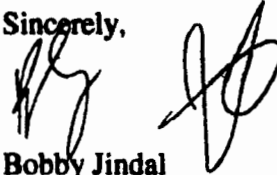
The Louisiana Department of Environmental Quality and the Louisiana Public Service Commission, in addition to other states' environmental and regulatory agencies, have filed for reconsideration and appeal of the EPA's Cross-State Air Pollution Rule (CSAPR). The consequences and costs associated with the implementation of this misguided rule will negatively impact our citizens, and it is critical that your administration reconsider the formulation of CSAPR.

Foremost among the problems with the final rule is that prior to adoption of CSAPR, the EPA failed to publicly publish the modeling and calculations used to establish the rule's mandated emission reductions. This maneuver resulted in the inability of our citizens being able to review and comment on the method employed by the EPA in reaching its conclusions. In regard to Louisiana, the final nitrogen oxides emission budget was reduced by 36.7 percent from the proposed budget without any opportunity for review and comment on this critically important aspect of the rule. If the EPA had allowed for such review and comment, then the glaring problems associated with this unwarranted reduction could have been corrected.

Even more problematic are the unnecessary health and safety concerns of potential rolling blackouts caused by the implementation of CSAPR. Louisiana's electric generating units only have seven months within which to become compliant with the regulation's requirements. If they are unable to install new emission controls or buy emission allowances, then their ability to generate electricity will be greatly restricted. Unless they can import the resulting shortfall of electricity, there is a chance of rolling blackouts across Louisiana during the summertime, which of course are the hottest and highest usage months of the year.

Unfortunately, this is another example of the EPA promulgating rules that unduly burden our citizens and create uncertainty for our businesses – all without ever giving them the opportunity to provide meaningful commentary on the changes. The questionable legality of CSAPR and the negative impacts associated with this rule warrants a reconsideration and stay of its effectiveness.

Sincerely,

A handwritten signature in black ink, appearing to be 'BJ', written over a horizontal line.

Bobby Jindal
Governor of Louisiana



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 05 2012

THE ADMINISTRATOR

The Honorable Bobby Jindal
Governor of Louisiana
Post Office Box 94004
Baton Rouge, Louisiana 70804-9004

Dear Governor Jindal:

Thank you for your letter of October 6, 2011, to President Obama on the Cross-State Air Pollution Rule. I am pleased to respond on the President's behalf. The U.S. Environmental Protection Agency appreciates your comments, and I would like to assure you that Louisiana can achieve the goals of CSAPR with minimal economic impact and without compromising the availability or reliability of affordable electricity in your state. This letter describes some recent developments that address your concerns, and enclosed are detailed responses to the specific issues raised in your letter.

On February 7, 2012, the EPA finalized technical changes to CSAPR that will facilitate compliance by Louisiana power plants. In developing CSAPR, the EPA relied on information, in many cases submitted by power plant operators or accessible in public documents, about the operation of certain power plants in Louisiana. After we finalized the rule, the EPA became aware of information updating, correcting or completing the earlier information. This allowed the agency to identify data discrepancies and to remedy those discrepancies. Accordingly, on February 7, 2012, the EPA finalized technical adjustments that revise assumptions in the CSAPR analysis used to determine Louisiana's budget. These revisions now account for operational requirements at specific units and result in an increase to Louisiana's ozone season nitrogen oxides budget with corresponding revisions to assurance levels and new unit set-asides.

The EPA also finalized adjustments to increase a company's menu of compliance options by delaying assurance levels in the immediate term and allowing sources to use an unlimited number of interstate allowances for compliance in 2012 and 2013. This was designed to provide greater assurance that the allowance trading market will continue to develop rapidly. The technical changes will maintain the extensive public health benefits of CSAPR and do not change the core elements or fundamental structure of the rule.

You should also be aware that, on December 30, 2011, the U.S. Court of Appeals for the District of Columbia Circuit stayed CSAPR pending resolution of litigation challenging it. The Court order imposing the stay did not discuss the merits of the challenges. The EPA believes CSAPR is legally

sound and will continue defending it vigorously. Power plants will not have to comply with the rule until the stay is lifted. Pursuant to the Court's order, the Clean Air Interstate Rule, which was to be replaced by CSAPR as of January 1, 2012, is now in effect.

CSAPR will achieve major benefits for Americans' public health that outweigh the costs of the program by substantial margins. Residents of Louisiana will benefit from improved air quality resulting from emission reductions prompted by CSAPR, both within Louisiana and from upwind states covered by CSAPR whose pollution blows into Louisiana. EPA's assessment of human health benefits under CSAPR shows that by 2014, emission reductions will save between 200 and 520 lives in Louisiana each year. By 2014, Louisiana will enjoy benefits of \$1.7 billion to \$4.2 billion each year reflecting the monetized value of those premature deaths avoided, as well as reductions in non-fatal health impacts including heart attacks, hospital and emergency room visits, asthma attacks, and lost work and school days.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may call Sarah Hospodor-Pallone, Deputy Associate Administrator for Intergovernmental Relations at (202) 564-7178.

Sincerely,



Lisa P. Jackson

Enclosure

*Thank you for your
interest in this matter.*

ENCLOSURE – Governor Jindal

Public Review and Comment

During the CSAPR rulemaking, the EPA provided adequate notice of the procedures we intended to use, the criteria by which we intended to select data, and the range of alternative sources of data we were considering to determine each state's emissions budget. Changes to the state budgets in the final rule are logical outgrowths of the proposal made in response to comments (by Louisiana and others) and in response to updated information obtained during the rulemaking. In a Notice of Data Availability ("NODA")¹ released on September 1, 2010, the EPA gave explicit notice and opportunity to comment on methodological and data input changes made to the model used to calculate state budgets. That NODA expressly advised that such changes could affect the final amount of a state's "significant contribution" which determines the state budgets. A subsequent NODA issued on January 7, 2011² provided notice and opportunity to comment on alternative methods of allocating emissions allowances to individual generating units in each state. In its comments on the January 7 NODA, the Louisiana Department of Environmental Quality stated that it "understands that final state budgets may differ from proposed budgets" and "applauds EPA's work toward final budgets based on the updated inventories and modeling."³

Electric Reliability

During development of CSAPR, the EPA analyzed impacts of the rule on electric reliability and found that the rule will not impair the ability of either the Southwest Power Pool (SPP) or the Entergy regions (both of which regions include generators in Louisiana) to continue to meet their electric reliability objectives. In addition, CSAPR offers a highly flexible market-based regulatory framework that gives each unit the freedom to choose its own compliance strategy and to supplement that strategy with additional allowance purchases where necessary. As such, CSAPR does not limit the operations of any individual unit in the fleet. Recent studies that purport to raise reliability concerns over CSAPR ignore core foundational flexibilities of the CSAPR programs, many of which are common to the flexibilities already available to electric generators under the current Clean Air Interstate Rule (CAIR) programs (in which Louisiana has participated to date).

Compliance Options

The EPA has also determined that reductions in the initial compliance period can come from a combination of feasible emission reduction strategies including operating existing controls, installing combustion controls, fuel switching, and increased dispatch of lower-emitting generation. Compliance options are available to sources in Louisiana that the EPA has demonstrated are feasible within a six month timeframe, including the installation of low-NO_x burners as reported by the Institute of Clean Air Companies.⁴

¹ 75 Fed. Reg. 53,613, 53,614-15.

² 76 Fed. Reg. 1109.

³ Comment by Louisiana Department of Environmental Quality, February 7, 2011.

⁴ Institute of Clean Air Companies "Typical Installation Timelines for NO_x Emissions Control Technologies..." Dec 4, 2006; "Transport Rule Engineering Feasibility Response to Comments," USEPA, July 2011.

AX-09-000-5123



BOBBY JINDAL
Governor

State of Louisiana
Office of the Governor
April 7, 2009

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

The Honorable Richard E. Besser, M.D.
Acting Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30333

Dear Administrator Jackson and Acting Director Besser:

In late February of this year, the State of Louisiana became aware of an unusual problem with premature corrosion of copper and other metal parts in a less-than-two-year-old home in southeast Louisiana. Despite trying to replace corroded parts over and over, the homeowners literally watched the corrosion eat away at their property and, when they learned that it might have been associated with the presence of Chinese-made drywall in their home, became concerned that their own home might also be a potential health hazard.

To assess the scope and extent of any potential health hazard in Louisiana, we immediately began taking proactive steps, including expanding operation of the Indoor Air Quality Hotline of our state Department of Health and Hospitals' Section on Environmental Epidemiology and Toxicology, reaching out to the United States Environmental Protection Agency and the Centers for Disease Control and Prevention's Agency for Toxic Substances and Disease Registry, and working with the Department of Health of the State of Florida, which has been experiencing the corrosion/drywall phenomenon since the middle of last year.

In the time since our first contact with this issue, our Indoor Air Quality Program has received more than 350 consumer/resident calls related to the corrosion/drywall issue. Health-related complaints are sporadic and DHH is attempting to gather more health-related information. However, media reports on the amount of drywall imported from China suggest that as many as 7,000 Louisiana homes may be affected, based on the amount of drywall imported into the state and used in the rebuilding here after Hurricanes Katrina and Rita in 2005.

Recently completed laboratory analysis of bulk samples of drywall used in homes in South Florida confirmed the presence of radioactive sulfur compounds and elemental sulfur in drywall from China, and confirmed that drywall from problem homes generated additional, secondary sulfur compounds when exposed to high relative humidity or heat. All of these compounds are capable of causing the type of corrosion identified in Louisiana complaint homes, and, at sufficient concentrations, could pose a health hazard. These initial findings suggest that indoor air samples to determine occupant exposure to the corrosive gases should be performed in Louisiana.

We in Louisiana are not in a position to do this testing alone, and even the United States Consumer Product Safety Commission—which recently initiated an investigation focused on the suspected drywall and secondary damage it may be causing to electrical wiring, safety equipment and natural gas connections—has said that it does not have the resources and testing expertise necessary to evaluate occupant exposure in problem homes.

Given that additional reports of corrosion and drywall from Virginia and North Carolina now show that this is an interstate issue connected to the importation of a foreign-made product, I am requesting assistance from the EPA and the CDC to develop and implement chemical testing protocols in homes in Louisiana and elsewhere that are experiencing severe copper corrosion associated with Chinese-made drywall. The Environmental Response Teams and Industrial Hygienists from the Agency for Toxic Substances and Disease Registry are expertly capable of evaluating the health hazards possibly associated with gases emitted from Chinese-made drywall, and will enable a timely exposure assessment and discovery of any public health implications.

On behalf of the State of Louisiana, I ask for any assistance you may be able to provide in accessing federal resources to assess human health exposures and hazards in these homes, which I know will benefit Louisianans and other Americans alike adversely impacted by this unexpected and peculiar set of circumstances.

Our contact for this project is our State Health Officer and Medical Director:
Jimmy Guidry, M.D.

Louisiana Department of Health and Hospitals
628 N. 4th St.

Baton Rouge, LA 70802

P.O. Box 629

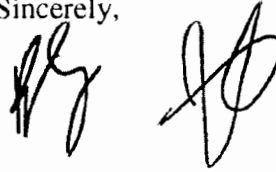
Baton Rouge, LA 70821-0629

Phone: (225) 342-3417

Fax: (225) 342-4497

We sincerely appreciate your consideration, and look forward to working with you and your staff in the days and weeks to come.

Sincerely,

A handwritten signature in black ink, appearing to be 'BJ', written over a horizontal line.

Bobby Jindal
Governor, State of Louisiana

cc: Louisiana Congressional Delegation

0AR-11-001-8033



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

November 8, 2011

THE ADMINISTRATOR

The Honorable Bobby Jindal
Governor of Louisiana
P.O. Box 94004
Baton Rouge, Louisiana 70804-9004

Dear Governor Jindal:

Today, the U.S. Environmental Protection Agency is completing area designations for the 2008 Lead National Ambient Air Quality Standards. Based on the most recent air quality monitoring data, the EPA is designating all of Louisiana as unclassifiable/attainment. I appreciate the information that Louisiana shared with the EPA as we take this step to inform citizens about their air quality and continue the process of protecting public health by reducing lead levels in the air where necessary.

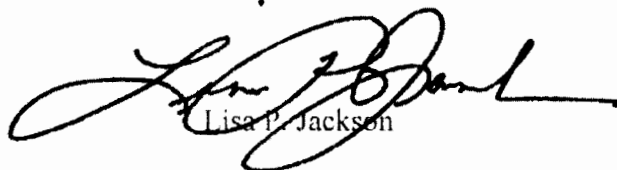
Reducing levels of lead pollution is an important part of the EPA's commitment to a clean, healthy environment. Lead exposure can cause a range of adverse health effects, most notably in children. Exposures to low levels of lead early in life have been linked to effects on Intelligence Quotient, learning, memory and behavior.

On October 15, 2008, the EPA substantially strengthened the National Ambient Air Quality Standards for lead. The level of the 2008 lead standards, set at 0.15 micrograms per cubic meter, is 10 times tighter than the previous standards. In conjunction with strengthening the lead standards, the EPA has improved the existing lead monitoring network by requiring monitors to be placed in areas with sources, such as industrial facilities, that emit one-half ton or more per year of lead, and at other sites.

The Clean Air Act requires the EPA to complete the process of designating areas within two years of establishing a new or revised air quality standard. The EPA may extend the designation process by up to one year if the agency has insufficient information to make these designations. Because the expanded lead monitoring network provided additional data for consideration, the EPA is completing the lead designations in two rounds. In the first round, established on November 16, 2010, the EPA designated as "nonattainment" 16 areas that violated the 2008 Lead National Ambient Air Quality Standards based on data from the pre-2010 monitoring network. For all other areas, the EPA extended the deadline for designations by up to one year so that data from the newly deployed monitors could be considered in making appropriate designation decisions. States and tribes were given an opportunity to update their recommendation letters for those remaining areas for our consideration in the second round of designations by December 15, 2010. The EPA notified states and tribes of our preliminary responses to their recommendations on June 15, 2011.

Thank you for your continued work to improve air quality. We look forward to working with you and your staff to reduce lead in the air. Staff in your EPA regional office is available to answer questions and discuss implementation matters further with your staff. For additional technical information, please visit <http://www.epa.gov/leaddesignations>.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", is written over a printed name.

Lisa P. Jackson

0AR-12-000-0371



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 20 2012

The Honorable Bobby Jindal
Governor of Louisiana
P.O. Box 94004
Baton Rouge, Louisiana 70804-9004

THE ADMINISTRATOR

Dear Governor Jindal:

The U.S. Environmental Protection Agency today is completing area designations for the 2010 Primary Nitrogen Dioxide National Ambient Air Quality Standard. Available air-monitoring data from 2008-10 show no violations of the standard within your area. Accordingly, the EPA is designating all of the area in Louisiana as "unclassifiable/attainment."

As you know, the EPA on January 22, 2010, strengthened the National Ambient Air Quality Standard for NO₂; it is now a new 1-hour standard of 100 parts per billion. Along with strengthening the NO₂ standard, the EPA required changes to the existing NO₂ monitoring network by requiring monitors in large urban areas and near major roads where the public might be exposed to unhealthy levels of NO₂.

The EPA and state and tribal agencies are currently working to establish an expanded network of NO₂ monitors, expected to be deployed in 2013. Once three years of air-quality data have been collected from the expanded network, the EPA will be better able to determine NO₂ air quality in additional locations.

Within two years of establishing a new or revised air-quality standard, the Clean Air Act requires the EPA to complete the process of designating areas as meeting or not meeting the standard. The EPA notified states and tribes of our preliminary responses to their recommendations for area designations on June 29, 2011. For additional information, please visit <http://www.epa.gov/airquality/nitrogenoxides/designations/>.

Ensuring that levels of NO₂ pollution remain below the 2010 standard is an important part of the EPA's commitment to a clean, healthy environment. NO₂ exposure can cause a range of adverse health effects, including increased asthma symptoms, more difficulty controlling asthma and an increase in respiratory illnesses and symptoms.

I appreciate the information that Louisiana shared with the EPA as we take this step to inform citizens about their air quality and continue our efforts to protect public health. We look forward to working with you and your staff to continue to protect air quality. If you have questions, please contact me or your staff may call Sarah Hospodor-Pallone, Deputy Associate Administrator for Intergovernmental Relations, at 202-564-7178.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Jackson", is written over a horizontal line.

Lisa P. Jackson

Internet Address (URL) • <http://www.epa.gov>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 25 2013

THE ADMINISTRATOR

The Honorable Bobby Jindal
Governor of Louisiana
P.O. Box 94004
Baton Rouge, Louisiana 70804-9004

Dear Governor Jindal:

The U.S. Environmental Protection Agency is moving forward to identify areas throughout the country where monitors have detected levels of sulfur dioxide above the health-based National Ambient Air Quality Standard set in 2010. This action, required under the Clean Air Act, will assure continued work to reduce sulfur dioxide emissions and improve air quality in these areas.

In 2010, the EPA set a one-hour, health-based national air quality standard for sulfur dioxide at 75 parts per billion. The revised standard will improve public health protection, especially for children, the elderly, and people with asthma. These groups are susceptible to health problems associated with breathing sulfur dioxide, including narrowing of the airways which can cause difficulty breathing and increased asthma symptoms.

After reviewing the most recent certified sulfur dioxide air monitoring data and evaluating nearby areas that contribute to the monitored levels, I have determined that one area in Louisiana violates the revised 2010 health-based standard for sulfur dioxide. As directed by the Clean Air Act, the EPA is designating this area "nonattainment." I appreciate the information that Louisiana shared with the EPA as we take this step to inform citizens about their air quality. I look forward to working with you to continue the process of protecting public health by reducing sulfur dioxide levels in the air.

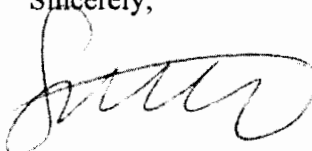
The enclosed table lists the area within Louisiana that the EPA is designating as nonattainment during this initial round of designations, in agreement with your May 2011 recommendation. This nonattainment designation will take effect 60 days after the notice I signed today defining the area boundaries is published in the *Federal Register*. For this nonattainment area, measures to reduce sulfur dioxide emissions will be needed. The Clean Air Act directs Louisiana to develop a State Implementation Plan that shows how the area will attain the sulfur dioxide standard as quickly as possible but no later than 5 years from the effective date of this designation. These plans need to be submitted to the EPA within 18 months from the effective date of designation of the nonattainment area.

At this time the EPA is designating as nonattainment areas in locations where monitoring data indicate violations of the 1-hour sulfur dioxide standard. The EPA intends to address the designations for all other areas in separate future actions. With input from a diverse group of stakeholders, the EPA has developed a comprehensive implementation strategy for these future actions that focuses resources on

identifying and addressing unhealthy levels of sulfur dioxide in areas where people are most likely to be exposed to violations of the standard. The strategy is available at:
<http://www.epa.gov/airquality/sulfurdioxide/implement.html>.

Thank you for your continued work to improve air quality and protect public health. We look forward to working with you and your staff to implement the 2010 health-based sulfur dioxide standard. For additional information regarding these designations, please visit our website at www.epa.gov/so2designations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gina McCarthy', with a large, stylized initial 'G'.

Gina McCarthy

Enclosure

Enclosure – Initial Nonattainment Area Designations, Louisiana

State	Area Name	County Name	Designation
Louisiana	St. Bernard Parish, LA	St. Bernard	Nonattainment

Designations for the rest of the state will be addressed in a separate future action.

OECA-08-001-1424

OFFICE OF THE GOVERNOR

BOB RILEY
GOVERNOR



STATE CAPITOL
MONTGOMERY, ALABAMA 36130

(334) 242-7100
FAX: (334) 242-0937

STATE OF ALABAMA

September 4, 2008

Mr. Stephen L. Johnson, EPA Administrator
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

AND

Mr. Granta Nakayama, Assistant Administrator
Office of Enforcement and Compliance Assurance (OECA)
Mail Code 2201 A, Room AR 3204
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Request of Waiver of RVP 7.0 and 7.8
Related to Hurricane Gustav

Dear Messrs. Johnson and Nakayama:

I am writing to request on behalf of the State of Alabama and the Alabama Department of Environmental Management for immediate relief from federal 7.0 and 7.8 RVP gasoline requirements for Jefferson and Shelby Counties, Alabama, due to the effects of Hurricane Gustav on pipeline availability. In Alabama we currently are faced with a real and urgent problem of lack of availability. We respectfully request that the waiver continue until September 15, 2008, which is the end of the period for which low RVP gasoline is required under normal circumstances.

If you have any questions, please contact Ronald W. Gore, Chief of the Air Division, Alabama Department of Environmental Management at (334) 271-7868.

Sincerely,

A handwritten signature in cursive script that reads "Bob Riley".
Bob Riley
Governor



Johnpc
Fogarty/DC/USEPA/US
09/05/2008 12:08 PM

To Richard Albores/DC/USEPA/US@EPA
cc
bcc
Subject Fw: LA Request for RVP waiver extension is here

Notice: This email may contain confidential communications. Attorney-client, attorney work product and/or enforcement privileged.

----- Forwarded by Johnpc Fogarty/DC/USEPA/US on 09/05/2008 12:08 PM -----

Leila Cook/AA/USEPA/US
09/04/2008 02:41 PM

To "Copeland, Brian" <Brian.Copeland@hq.doe.gov>, "Shore, Joanne" <joanne.shore@eia.doe.gov>, "White, Thomas" <Thomas.White@hq.doe.gov>, "Joanne Shore" <jshore4@earthlink.net>, "Lippert, Alice" <Alice.Lippert@hq.doe.gov>, Gautam Srinivasan/DC/USEPA/US@EPA, Erv Pickell/R8/USEPA/US@EPA, Jim Kellerstrass/R8/USEPA/US@EPA, Sean Hillson/AA/USEPA/US@EPA, Kurt Gustafson/DC/USEPA/US@EPA, Johnpc Fogarty/DC/USEPA/US@EPA, John Guy/DC/USEPA/US@EPA
cc
Subject LA Request for RVP waiver extension is here

We have a formal request to extend LA's current waiver.

----- Forwarded by Leila Cook/AA/USEPA/US on 09/04/2008 02:39 PM -----



Michael Vince
<Michael.Vince@LA.GOV>
Sent by: Michael Vince
<Michael.Vince@LA.GOV>
Received Date:
09/04/2008 02:36 PM
Transmission Date:
09/04/2008 02:36:24 PM

To Leila Cook/AA/USEPA/US@EPA, Beau Brock <Beau.Brock@LA.GOV>, Tom Harris <Tom.Harris@LA.GOV>, Alex Appeaning <Alex.Appeaning@LA.GOV>, "metcalf@lmoga.com" <metcalf@lmoga.com>
cc
Subject RVP waiver

Lee,

I have just learned that the ExxonMobil Baton Rouge refinery no longer has a supply of additives necessary for them to produce 7.8 RVP gasoline. It is likely that other LA refiners will be in the same situation if they are not already. Based on this information the supply of gasoline is expected to become even more critical.

Therefore, on behalf of DEQ Secetary Leggett and Govenor Jindal, I request that our existing RVP fuel waiver be extended through Sept. 15th 2008.

Please contact me by cell phone for any additional information that is necessary.

Sent from my Blackberry.

Georgia Department of Natural Resources

2 Martin Luther King, Jr. Drive, S.E., Suite 1152 East Tower, Atlanta, Georgia 30334-9000

Noel Holcomb, Commissioner

Carol A. Couch, PhD., Director

Environmental Protection Division

404/656-4713

MEMORANDUM

TO: Gasoline Importers and Other Interested Parties

FROM: Carol A. Couch, Director
Environmental Protection Division

RE: Enforcement Discretion for 45-County Fuel Control Area

DATE: September 5, 2008

Georgia Rule 391-3-1-.02(2)(bbb) requires use of gasoline meeting lower sulfur and Reid Vapor Pressure (RVP) standards during the summer ozone season. Based on information collected on supply shortages related to recent Hurricane Gustav, EPD will exercise enforcement discretion to allow regulated parties to supply gasoline that does not meet the low sulfur and low RVP gasoline standards in the metro-Atlanta area, to the extent necessary to meet supply needs. This exercise of enforcement discretion is effective immediately and will continue until midnight on September 15, 2008. To the extent practicable, regulated parties must take all reasonable steps to provide gasoline meeting low sulfur and low RVP standards through the end of the RVP-control season on September 15.

If you have any questions, please contact William Cook at (404) 363-7031.

Georgia Department of Natural Resources

Environmental Protection Division

Mobile and Area Source Program - Engines Unit

4244 International Parkway, Suite 136, Atlanta, Georgia 30354

Noel Holcomb, Commissioner

Carol A. Couch, Ph.D., Director

(404) 363-7028

September 5, 2008

Mr. Stephen Johnson
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, DC 10460

Re: Request for Waiver of Reid Vapor Pressure (RVP) and Sulfur Requirements

Dear Mr. Johnson,

This letter serves as the Georgia Environmental Protection Division's (EPD) written request for relief from the federal RVP and sulfur gasoline requirements in Georgia's 45-county fuel control area. The counties included in this request are Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton.

Based on information from Marathon Petroleum and Shell Oil Company, two of the top four suppliers for the fuel control area, and from Colonial Pipeline and Plantation Pipeline, this request is being made to help overcome a shortage of gasoline in Georgia due to Hurricane Gustav. Shortages of the 7.0 lb RVP gasoline fuel are expected for the fuel control area. The pipelines have experienced shutdowns due to the lack of electricity and are currently not in full operation. In addition, a number of the refineries that supply the Georgia Gasoline ceased operations prior to the landing of hurricane Gustav and have not been able to resume operations due to the continued outage of electricity. Providing relief from the fuel requirements will allow short-term shortages to be made up with available supplies of 9.0 lb RVP gasoline.

Terminals currently have a range of 1 ½ to 5 days of Georgia Gasoline on hand and are expecting deliveries this weekend and next week. Marathon has stated that the expected shipments of Georgia Gasoline have been delayed and "do not anticipate a material improvement in our supply situation prior to the end of the RVP-control season on September 15". To provide relief to fuel suppliers, terminal operators, and pipelines, EPD is requesting that the enforcement discretion be provided through September 15th. EPD will issue a memorandum providing enforcement discretion from the Georgia EPD fuel rules effective from the date of the memorandum through September 15th.

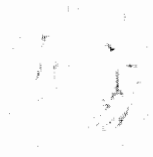
In consideration of the shortages caused by Hurricane Gustav, we would appreciate your expeditious approval of this request. If you have any questions about this request, please contact William Cook at (404) 363-7031 or me. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol A. Couch". The signature is fluid and cursive, with the first and last names being more prominent.

Carol A. Couch, Director
Georgia Environmental Protection Division

WC



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

September 5, 2008

Mr. Stephen L. Johnson, Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Johnson:

As allowed by the Clean Air Act, I am writing to request a fuels waiver, effective immediately, of the 7.8 Reid Vapor Pressure (RVP) fuel requirement for the following North Carolina counties: Davidson, Davie, Durham, Forsyth, Gaston, Granville, Guilford, Mecklenburg and Wake. This waiver should remain in effect until Monday, September 15, 2008, and should allow the distribution of 9.0 RVP gasoline if 7.8 RVP gasoline is unavailable.

The supply of 7.8 RVP gasoline available in North Carolina continues to be limited by the unforeseen impacts of Hurricane Gustav. Due to the disruptions in production and delivery of fuel from the Gulf coast, terminals in the Greensboro and Charlotte areas are already reporting low levels of 7.8 RVP gasoline. We anticipate that stocks of 7.8 RVP gasoline will continue to be at low levels or may worsen in the near future due to reduced refinery capacity and distribution of fuel through the Colonial and Plantation pipelines. This limited availability is compounded by the fact that inventories of 7.8 RVP gasoline were already being drawn down since the seasonal requirement for using 7.8 RVP gasoline ends on September 15.

North Carolina also faces the impending landfall of Hurricane Hanna and the possible landfall of Hurricane Ike in the next week. I have issued a State of Emergency and activated our State Emergency Response Team (SERT) and am taking every step to prepare North Carolina for the possible impacts of these hurricanes. Your immediate attention to this request will ensure a stable supply of gasoline in urban areas as our state faces these dangerous and disruptive conditions.

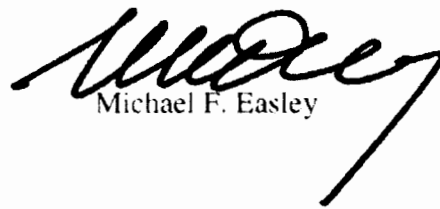


Mr. Stephen L. Johnson
Page 2
September 5, 2008

If you require any additional information regarding the circumstances necessitating this waiver, please contact my policy advisor, Jennifer Bumgarner, at (919) 715-0961 or Jennifer.Bumgarner@nc.gov. I thank you for your consideration of and prompt response to this request.

With kindest regards, I remain

Very truly yours,



Michael F. Easley

MFE/jlb

cc: Mr. Granta Nakayama, Assistant Administrator for Enforcement and Compliance Assurance, United States Environmental Protection Agency

Secretary William G. Ross Jr., North Carolina Department of Environment and Natural Resources

Secretary Bryan E. Beatty, North Carolina Department of Crime Control and Public Safety

Commissioner Steve Troxler, North Carolina Department of Agriculture and Consumer Services



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 5 2008

THE ADMINISTRATOR

The Honorable Bobby Jindal
Governor
State of Louisiana
P.O. Box 94004
Baton Rouge, Louisiana 70804

The Honorable Michael F. Easley
Governor
State of North Carolina
20301 Mail Service Center
Raleigh, North Carolina 27699

The Honorable Sonny Perdue
Governor
State of Georgia
203 State Capitol
Atlanta, Georgia 30334

The Honorable Bob Riley
Governor
State of Alabama
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

Re: September 2008 Fuel Waiver Concerning Alabama, Georgia, Louisiana and North Carolina

Dear Governors:

On August 29, 2008, to alleviate gasoline shortages created by the extensive mandatory and voluntary evacuations preceding the landfall of Hurricane Gustav, I waived federal regulations requiring low volatility gasoline in Louisiana. Since that time, the shutdowns of several Gulf area petroleum refineries and widespread power outages in the Louisiana area caused by Hurricane Gustav have resulted in the curtailment in the production and delivery of low volatility gasoline to the fuel pipelines originating in the Gulf area that serve each of your states. On September 4th and 5th, I received requests made by you, or on your behalf, for a waiver under the Clean Air Act (CAA) to address a fuel supply emergency caused by Hurricane Gustav. In response to those requests, EPA has determined, and the United States Department of Energy (DOE) concurs, that it is necessary to take action to minimize or prevent disruption of an adequate supply of gasoline in those portions of Alabama, Georgia, Louisiana and North Carolina in which low volatility gasoline is required. By this letter, I am granting a waiver of those low volatility requirements, as described below.

As you know, regulations promulgated under the Clean Air Act require gasoline sold in portions of Louisiana and North Carolina to have maximum Reid Vapor Pressure (RVP) of 7.8 pounds per square inch (psi) during the "high ozone" season, through September 15, 2008. See 40 C.F.R. § 80.27. In addition, gasoline sold in the Atlanta, Georgia and Birmingham, Alabama areas are required to have a maximum RVP of 7.0 psi through September 15, 2008, and gasoline sold in the Atlanta area is also required to meet additional sulfur averaging requirements, under

the State Implementation Plan (SIP) for those States. See 66 Fed. Reg. 47142 (Alabama) and 67 Fed. Reg. 8200 (Georgia).

EPA, in consultation with DOE, has been evaluating the impact of fuel supplies to the southeastern states as the result of disruptions to the fuel pipelines serving these areas caused by the power outages and refinery disruptions in the Gulf area. This has resulted in the slowdown of deliveries to the Colonial Pipeline, and has additionally caused the partial shutdown of the Plantation Pipeline. As a result, there has been a curtailment in the delivery of gasoline supplies meeting low volatility requirements to Alabama, Georgia, Louisiana and North Carolina through these pipelines. Based on this evaluation, EPA has determined, and DOE concurs, that it is necessary to take the following action to minimize or prevent disruption of the supply of gasoline to these areas.

I have determined that an "extreme and unusual fuel supply circumstance" exists that will prevent the distribution of an adequate supply of gasoline to consumers in Alabama, Georgia, Louisiana and North Carolina. CAA § 211(c)(4)(C)(ii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(I). This extreme and unusual fuel circumstance is the result of Hurricane Gustav, a natural disaster that could not reasonably have been foreseen or prevented, and is not attributable to a lack of prudent planning on the part of suppliers of the fuel to these areas. CAA § 211(c)(4)(C)(ii)(II), 42 U.S.C. § 7545(c)(4)(C)(ii)(II). Furthermore, I have determined that it is in the public interest to grant this waiver and that this waiver applies to the smallest geographic area necessary to address the fuel supply circumstances. CAA § 211(c)(4)(C)(ii)(III) and (iii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(III) and (iii)(I).

Therefore, to minimize or prevent problems with the supply of gasoline, I am today issuing this waiver of the 7.8 psi RVP requirement and, where applicable, the 7.0 psi RVP and sulfur averaging requirements, in the areas of Alabama, Georgia, Louisiana and North Carolina identified below. This waiver is effective immediately¹ and will continue through the remainder of the summertime "high ozone" period through September 15, 2008. Under this temporary waiver, regulated parties may sell or distribute gasoline with an RVP of 9.0 psi in these areas. Regulated parties should continue to sell or distribute gasoline meeting the 7.8 psi RVP (or where applicable, 7.0 psi RVP) where such supplies are available. In addition, I am also waiving the requirement of 40 C.F.R. § 80.27(d) that a gasoline must have between 9% and 10% ethanol by volume in order to qualify for the "special provisions for alcohol blends" that increase the RVP standard by 1 psi. Under this waiver, gasoline with less than 9% ethanol by volume will qualify for the "special provisions for alcohol blends" requirement.

Waiver of the 7.8 psi RVP Requirement

Louisiana. This waiver is effective in the following sixteen parishes in which the 7.8 psi

¹ On August 29, 2008, I waived the requirement for low volatility gasoline in Louisiana through 11:59 p.m. on September 8, 2008. Under today's waiver, the August 29, 2008 waiver of the low volatility requirement in Louisiana is extended through September 15, 2008.

RVP requirement applies: Ascension, Beauregard, Calcasieu, E. Baton Rouge, Iberville, Jefferson, Lafayette, Lafourche, Livingston, Orleans, Point Coupee, St. Bernard, St. Charles, St. James, St. Mary, and W. Baton Rouge.

North Carolina. This waiver is effective in the following North Carolina counties in which the 7.8 psi RVP requirement applies: Davidson, Durham, Forsyth, Gaston, Guilford, Mecklenburgh and Wake, and in those parts of Davie and Granville counties where the 7.8 psi RVP requirement applies. Additional information regarding the boundaries of these areas can be found at <http://daq.state.nc.us/rules/appendices/app24.pdf>.

Waiver of the SIP 7.0 psi RVP and Sulfur Averaging Requirements

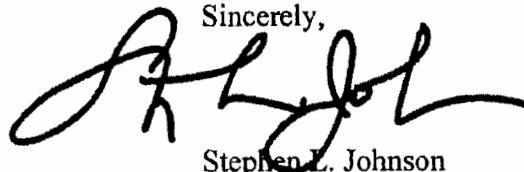
Alabama. This waiver is effective in the following Birmingham-area counties in which the 7.0 psi RVP requirement applies: Jefferson and Shelby.

Georgia. This waiver is effective in the following 45 Atlanta-area counties in which the 7.0 psi RVP and sulfur averaging requirements apply: Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson and Walton. This waiver does not change the requirement that gasoline sold or distributed in the Atlanta area must meet the federal low-sulfur requirements. See 40 C.F.R. Part 80, Subpart H. Regulated parties (including pipelines, terminals, distributors, retailers and wholesale purchaser consumers) that receive fuel under this waiver may continue to dispense or sell this fuel until their supplies are exhausted.

In addition, I am waiving the federal requirement for 7.8 psi RVP gasoline in those counties in Alabama and Georgia in which the requirement applies, through September 15, 2008.

EPA will continue to work with DOE and affected states to monitor the impact of Hurricane Gustav on the fuel supply situation in the Gulf region. If you have questions you may call me, or your staff may call Adam M. Kushner at (202) 564-2260.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. L. Johnson', with a stylized, flowing script.

Stephen L. Johnson

cc: The Honorable Samuel W. Bodman
Secretary of Energy